

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO CERTIFICATE NO. WHP000080728005,	§ § § § §
v.	§
MISTY R. MORAN, JACOB C. MORAN, and WELLS FARGO BANK, NA,	§ § § § §
Plaintiffs,	§
Defendants.	§
	CIVIL ACTION NO.
	SA-10-CV-0529 NN

**ORDER GRANTING MOTION FOR DISCHARGE AND RELEASING FUNDS FROM
THE REGISTRY OF THE COURT**

The matters before the Court are plaintiff Certain Underwriters at Lloyd's, London's (Underwriters), unopposed motion to discharge plaintiff from this lawsuit (docket entry 14), and the proposed agreed order submitted by defendants Wells Fargo Bank, N.A., Misty Moran, and Jacob Moran to release funds from the registry of the court (docket entry 26).

Having considered the submissions of the parties and the procedural history of this case, the Court hereby finds as follows:

1. Misty Moran and Jacob Moran are the owners of a parcel of real property located at 5651 Green Manor, San Antonio, Texas 78223. The repayment of the promissory notes used to finance the purchase is secured by a valid and enforceable deed of trust assigned to Wells Fargo Bank, N.A. That deed of trust was filed in the official records of Bexar County, Texas, as Document # 20050103942 on May 12, 2005.

2. Per the terms and conditions of the deed of trust, the property was covered by a policy

of insurance issued by Underwriters to Misty and Jacob Moran.

3. The property was damaged by fire. Underwriters issued a check in the amount of \$35,228.35 made payable to the Morans and Wells Fargo.

4. Seeking to avoid liability with respect to distributing the insurance proceeds, Underwriters filed a motion for an Order of the Court allowing Underwriters to deposit the \$35,228.35 into the Registry of the Court (docket entry 8). The motion was ultimately amended (docket entry 9). The Court issued an Order Granting Motion to Deposit Interpleaded Funds (docket entry 10) and deposited the funds with Frost National Bank as directed by 28 U.S.C. §2041.

5. The parties have agreed that Underwriters should be discharged from any further liability in this matter.

6. Wells Fargo Bank, N.A., Misty Moran and Jacob Moran further agree that the funds currently being held by Frost National Bank for the Court in connection with the above numbered and styled cause of action should be released to Wells Fargo Bank, N.A., Misty Moran and Jacob Moran so that they may be placed in escrow at Wells Fargo and distributed in accordance with the Deed of Trust executed by the Morans on May 6, 2005. To the extent Underwriters' motion for discharge included a request for a portion of the deposited funds for attorneys fees and costs for filing this interpleader, that motion has this date been denied (docket entry 29).

It is therefore **ORDERED ADJUDGED AND DECREED** that

1. Certain Underwriters at Lloyd's London is discharged from any further liability with respect to the payment of the insurance proceeds made the basis of this suit.
2. From the funds currently deposited at Frost National Bank in Certificate of Deposit

account number 341249, Frost National Bank shall deduct a registry fee equal to ten percent (10%) of all interest earned through the date of withdrawal as authorized by the Judicial Conference Schedule of Fees implemented by the Administrative Office of the United States Courts, effective February 3, 1992, for the handling and servicing of interest-bearing accounts deposited to financial institutions pursuant to 28 U.S.C. §2041 and Rule 67 of the Federal Rules of Civil Procedure. Frost National Bank shall issue a cashier's check in the amount of the registry fee payable to the Clerk, United States District Court.

3. Frost National Bank shall further release to the Clerk, United States District Court, from Certificate of Deposit account number 341249, all remaining principal plus accrued interest, less the aforementioned registry fee, in the form of a cashier's check JOINTLY payable to Wells Fargo Bank, N.A. and Misty Moran and Jacob Moran.

4. Misty Moran and/or Jacob Moran shall be responsible for (1) picking-up the check from Financial Deputy Clerk, Andrea Nowlin, at the cashier's window of the Clerk's Office (ground floor, United States Courthouse); (2) endorsing the check; and (3) within five business days thereafter, forwarding the check to Wells Fargo Bank, N.A. at the address provided to them by Wells Fargo Bank, N.A.

SIGNED on July 27, 2011.

Nancy Stein Nowak
NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE